

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

**UNITED STATES OF AMERICA**

**Plaintiff,**

**vs.**

**CASE NO. 3:09-0445**

**JUDGE WISEMAN/KNOWLES**

**JURY DEMAND**

**JAMES W. CARELL, ROBERT VINING,  
DIVERSIFIED HEALTH MANAGEMENT,  
INC. (also known as CAREALL  
MANAGEMENT, LLC), THE JAMES W.  
CARELL FAMILY TRUST, CAREALL, INC.,  
VIP HOME NURSING AND  
REHABILITATION SERVICES, LLC (also  
known as VIP HOME NURSING AND  
REHABILITATION SERVICES, INC.),  
PROFESSIONAL HOME HEALTH CARE,  
LLC (also known as PROFESSIONAL HOME  
HEALTH CARE, INC.), and UNIVERSITY  
HOME HEALTH, LLC (also known as  
UNIVERSITY HOME HEALTH, INC.),**

**Defendants.**

**ORDER**

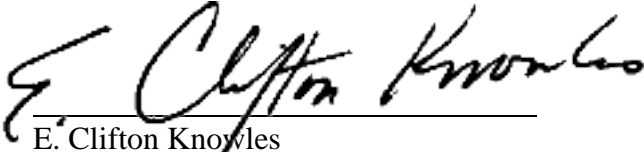
This matter is before the Court upon Defendants' "Emergency Motion to Preclude the Plaintiff from Improperly Instructing Deponents Not to Answer Questions." Docket No. 136. The Motion seeks "an Order preventing the United States ("Plaintiff") from instructing deponents not to answer questions for reasons other than those contained in Fed. R. Civ. P. 30(c)(2)." *Id.*, p. 1. The Motion refers to previous depositions in which Defendants contend that counsel for the United States has improperly instructed witnesses not to answer questions for

reasons other than those stated in Rule 30(c)(2).

As Defendants correctly state, Rule 30(c)(2) provides in relevant part, “A person may instruct a deponent not to answer only when necessary to preserve a privilege, to enforce a limitation ordered by the court, or to present a motion under Rule 30(d)(3).” The language of Rule 30(c)(2) is clear and unambiguous.

Without considering or ruling upon any previous factual scenarios, the Court observes that all parties are expected to and required to abide by the Federal Rules of Civil Procedure. Therefore, the instant Motion is GRANTED, and Plaintiff shall not improperly instruct deponents not to answer questions for reasons other than those contained in Fed. R. Civ. P. 30(c)(2).

IT IS SO ORDERED.

  
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E. Clifton Knowles  
United States Magistrate Judge